

Aaron G. York
United States Department of Justice
Office of United States Trustee
Liberty Center, Suite 204
301 Central Avenue
Great Falls, MT 59401
aaron.g.york@usdoj.gov
Phone (406) 761-8777
Fax (406) 761-8895
AZ State Bar No. 027810
(Attorney for United States Trustee)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No. 15-60979-11
)	
SHOOT THE MOON, LLC,)	
)	
Debtor.)	

NOTICE OF UNITED STATES TRUSTEE’S INTERPRETATION OF SECTION 2.3 OF
STM LIQUIDATING TRUST AGREEMENT

The Acting United States Trustee Gail Brehm Geiger (the “UST”), through her counsel Aaron G. York, respectfully submits this Notice of United States Trustee’s Interpretation of Section 2.3 of STM Liquidating Trust Agreement:

1. On November 29, 2017, the Court entered an Order confirming the Plan filed on October 9, 2017 [Doc. 1056] (the “Plan”) on behalf of Debtor, Shoot the Moon, LLC, by Chapter 11 Trustee Jeremiah Foster, including the modified STM Liquidating Trust filed on November 20, 2017 [Doc. 1128] (the “STM Liquidating Trust Agreement”).

2. Section 2.3 of the STM Liquidating Trust Agreement states, in part: “The Trustee shall invest the Trust Assets, subject to the limitations set forth in 11 U.S.C. § 345.” The UST, as the bond approval officer referenced in section 345(b)(1)(B), interprets section 345 to apply

only to money of bankruptcy estates, and not to the Trust Assets held by the STM Liquidating Trust post-confirmation. Because the UST does not believe that section 345(b) (or any limitations set forth therein) applies, the UST does not intend to undertake any role thereunder.

DATED this 4th day of December, 2017.

GAIL BREHM GEIGER
Acting United States Trustee
Region 18

By: /s/ Aaron G. York
AARON G. YORK
(Attorney for United States Trustee)